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REPORTS

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DAN S. GIFFIN,

HEUVELTON, ST. LAWRENCE CO., N. Y.

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REPUBLICAN AND DEMOCRATIC PRESS
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Journey to Nova Scotia,

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In accordance with previous arrangements, I left home August 15, 1881, for the purpose of investigating how much of truth existed in the traditions of the Giflin family with reference to their ancestor, Simon Giflin of Halifax, Province of Nova Scotia.

I went by the way of Boston, stopping for a time in Connecticut and Massachusetts, for the purpose of consulting with members of the family residing there, and obtaining such information as I could. In both of these States, I met many of the descendants whom I had never seen before, and visited the graves of those of the second generation.

In this report I shall confine myself principally to such particulars as pertain to the business part of the journey. The first question to be answered is: "Was there ever any property in Nova Scotia belonging to our ancestor, and if so, how much and what?" In answer to the foregoing, I found:

1st. A deed on record from William Welsh to Simon Giflin, conveying (3,000) three thousand acres of land, located between the Museodoboit and Pitpiswick Rivers, about twenty-eight miles east of the City of Halifax. This deed conveys the title absolutely to said Simon, and is dated March 15, 1774. A release of the dower interest of Ann Welsh, as wife of William Welsh, is added, which release is acknowledged by said Ann before John Cunningham, J. P., April 4th, 1774. Then follows a receipt, signed by William Welsh, for ninety one pounds currency, being the consideration for the land conveyed. This receipt is dated March 15, 1774. This deed



was recorded April 7th, 1774, in Book 12, pages 430 to 433, inclusive.

2nd. I found in the records of the Crown Land Department, a grant of twenty-nine thousand seven hundred and fifty acres of land, more or less, from the Crown to seventy different persons, one of whom was Simon Giflin, who was to receive five hundred acres for his share. The land is located in the County of Lunenburg in the town of Chester. The grant is dated October 31st, 1765, and is recorded in the Crown Land Department in Book 6, pages 548, etc. In the office of the Register of Deeds at Lunenburg, I found a map, which locates these five hundred acres on the westerly bank of Middle River, about four miles Northerly from the Village of Chester. On this map, the grant is designated as the "Giflin (grant) of five hundred acres." This land is about fifty miles West of the City of Halifax, and in traveling the highway from the Village of Chester to the Village of Lunenburg, the road crosses one end of the grant, commencing at the Westerly end of the bridge across Middle River. There is also a highway running Northerly through the grant, which intersects the Lunenburg road, of which more hereafter.

3rd. I find that by "allotment," (that being the name given to grants from the Crown prior to 1759) he obtained title to lot No. 21, in Block J. in the South suburbs of the City of Halifax. This lot is located on what is now known as South street, formerly called Tobins street, North of Pleasant street. The date of this allotment is not given, and cannot be learned from the records. It is only known that it was prior to 1759. Lot No. 19, in the same block, was at the same time allotted to John Giflin, who is supposed to have been a brother of Simon. Record of above found in Allotment Book, page 60.

At the foot of South street, on the bank of the harbor, was formerly an old distillery, the first located in Halifax. George's Island is nearly opposite. About forty years ago there were the remains of the distillery buildings on this lot.

The gas works are now located here. North of the distillery was a garden plot and dwelling. I was unable to find he ever had title to this lot. There is no inventory on file in the Probate's office showing the amount of his estate after death. The whole amount of real estate found to have been owned by him is as follows:

1st. By deed from William Welsh, 3,000 acres.

2nd. By grant from the Crown, 500 acres.

3rd. One lot in the city 60 feet by 150 feet.

Total, 3,500 acres and one lot.

The next question is, as to the title to the foregoing. We will examine the 3,000 acres first.

It will be observed the deed for the above is dated March 15, 1774, recorded April 7, 1774.

Simon Giflin died September 9, 1774. His second wife, Jennet Giflin, died December 8, 1775. I find recorded May 23, 1782, nearly eight years after his death, in Book 18, pages 180, etc., an instrument dated March 24th, 1774, purporting to have been signed by Simon Giflin and Jennet Giflin, which instrument is a "declaration of trust," and declares that the deed to him from William Welsh of 3,000 acres was a conveyance to him in trust for the benefit of Ann Welsh and her children, she being formerly Ann Brown, a daughter of said Jennet by her first husband, David Brown.

By this instrument they bind themselves under a penalty of one thousand pounds to carry out the provisions of said trust.

I also find another record in Book 18, pages 182 to 194, inclusive, of an instrument dated October 22, 1774, forty-four days after Simon's death, signed by said Jennet Giflin, widow of said Simon Giflin, and recorded May 24, 1782, nearly eight years after his death, and nearly seven years after her death.

This instrument purports to be a deed from said Jennet to William Welsh conveying the aforesaid 3,000 acres. It is very lengthy, and recites minutely the particulars of the trust to her husband, and says that the consideration paid

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therfore was money received by her as sole executrix of her first husband's (David Brown) estate, which she was to invest in lands for the benefit of her daughter Ann and her children, which said Ann was then (at the date thereof) the wife of said William Welsh. She therefore, by virtue of her authority as sole executrix of said David Brown, and as sole executrix of said Simon Giffin, and for the purpose of carrying out the true intent of said trust to Simon Giffin, conveys said 3,000 acres to William Welsh, the husband of said Ann, in trust, for the benefit of the children of said Ann and William.

It appears singular that instruments of so much importance as these two last, if they are genuine, should have remained so long unrecorded after their execution, and after the death of the parties who had executed them.

From the foregoing it appears to me beyond a doubt, that the heirs of Simon Giffin have no legal claim now that can be reached to any part of said 3,000 acres of land. This is also the opinion of my attorney at Halifax, Samuel L. Shannon, Esq.

Secondly, We will examine the question of title to the 500 acres.

Before doing this I will state, I proeured a copy of the Statute of Limitation with reference to real estate for the Province of Nova Scotia, of which the following is the substance:

1st. Peaceable possession of lands for twenty years, gives title to the possessor as against persons residing in the Province.

2nd. Peaceable possession of lands for forty years, gives title to the possessor as against persons residing out of the Province.

3rd. Peaceable possession of lands for sixty years, gives title to the possessor as against the Crown.

I found the 500 acres located about fifty miles West of Halifax. I went on the land and interviewed the people liv-

ing there, and found they all knew it as the Giflin grant. I also conversed with others residing in the vicinity and found the fact of its being the Giflin grant was generally known by the older inhabitants. They reported to me the land was originally covered with the best of timber. That a family named Lantz, and a man named Pulsiver, used to claim some rights to the land, and were among the first to take possession. They are now dead. The man Pulsiver used to sell to parties the right to cut timber on this land. About seventy years ago, fire ran through the land, and after that, people helped themselves to such timber as they wanted.

January 11th, 1828, one Garret Miller, a resident of Halifax, obtained from the Crown a grant of this same piece of land.

An elderly gentleman, a Barrister at Law, residing at Lunenburg, named Daniel Owen, informed me that for some time said Miller collected rent from those occupying the land. At last they refused to pay any more. Mr. Owen, as attorney for Miller, commenced an ejectment suit against one Daniel Lantz, for non-payment of rent. In the course of the trial, the defendants, to the surprise of Mr. Owen, set up the defect of title in Miller by reason of the land having been previously granted to Giflin. The Giflin grant was proven, and Miller lost his case. This occurred about forty years ago. This suit was remembered by most of the inhabitants. As near as I can learn, about 350 acres of this grant has been taken possession of, and occupied for a period of forty years or more. About fifty acres has been occupied by James Bezanson for about four years, and about one hundred acres has not been taken up by any person, thus leaving about one hundred and fifty acres which can now be obtained, and about 350 acres to which title is lost by adverse possession. These amounts are estimated.

My counsel advised me that to obtain the land to which title is not lost by adverse possession, all that is necessary to do is to take possession of that not occupied, and to obtain that occupied for less than forty years, a suit of ejectment

should be commenced, (if the occupant refuse to remove) and as evidence produce the record showing the original grant, and establish the genealogy.

The land is not regarded valuable, and judging from appearance, I am of the same opinion. It is rough and stony. Gold has been discovered within about two miles of the tract on Gold River, but not in paying quantities. There are twelve different persons who reside on the grant with their families.

Thirdly, As to lot No. 21, in Block J., of the south suburbs of Halifax.

I find this lot was conveyed by deed by Simon Gillin to John Carrol, October 6th, 1759, which deed was duly recorded in Book 5, page 17, May 3, 1760.

I would further report that I found no conveyances recorded relative to any of the property owned by said Simon Gillin, except as herein stated. One gentleman, named Isaiah Bezanson, aged 72 years, informed me that about fifty years ago, two men appeared in the vicinity of the 500 acre grant, who claimed to be Gillins, who stated they intended to build on the grant. I remarked to him they were not Gillins. His reply was, "I never thought they were." After they left, he said, Phritz and Jacob Lantz claimed the land was left by the two men in their charge. The men never returned.

In Boston, Mass., I examined the old records with reference to marriages, and found in compliance with the law, requiring a publication of marriage three weeks prior to its being solemnized, the following:

"Published December 24, 1739.

SIMON GRIFFEN } Married by Rev. John Moorehead, January
JENNET LECHMAN, } 21, 1739."

It will be observed there must be an error in one of the foregoing dates; either the publication should be December 24, 1738, or the marriage should be January 21, 1740. If the date given for the marriage is correct, the publication should have been December 24, 1738.

There is also an error in the spelling of the name, an error which I found was common in the early history of records, both in this country and in Nova Scotia.

The Rev. John Moorehead, who performed the marriage ceremony, was a Presbyterian.

I also found recorded another marriage by the same clergyman, being Robert Gillin to Margaret Leighman. Above the ladies last name, in pencil mark, is written "Lishman," and below the same name, in ink, is written, "Pnb. Lishman." I mention this to show the uncertainty of the early records with reference to spelling; also to show there were other Giffins in the country than our ancestor.

From Mrs. Elizabeth Abbe, of Enfield, Conn., I learned she knew her grandmother, Elizabeth Morrison (born 1746 and died 1824) in her life time. She (Mrs. M.) was a daughter of Simon Giffin of Halifax. From her grandmother, Mrs. Abbe learned her mother (wife of Simon) died while Elizabeth was a small girl, and after her death she resided with her grandmother "Lishman" in Boston.

The information obtained corroborates this, as the daughter Elizabeth was 6 years of age when her mother died.

Among the records of St. Paul's Church, City of Halifax, I found the record of the funeral of Simon Giffen "to have been September 11th, 1774."

In the old English burial ground of St. Paul's, in the City of Halifax, I found the graves of Simon Giffin, his two wives, and John Giffin who is supposed to have been a brother. The following is an exact copy of the inscription on their head stones:

"Here Lyeth the body of
Mr. Simon giffen who Departed
this life Sept'r ye 9th, 1774
Aged 63 years.
Also Jenet giffen ye wif of Mr.
Simon giffen who Departed
this life Dec'r, ye 27th 1752
Aged 34 years."

By the side of these is another grave with a head stone, inscription as follows:

"Here lies buried the Body
of Mrs. Jane Giffin
Widow of
Mr. Simon Giffin
Died Dec'r 8th 1775
Aged 59 years.

The Sweet remembrance of the Just
Shall Flourish when they sleep in Dust."

In every other place where her name occurs it is spelled Jennet, both wives having the same name.

By the side of these graves is another, supposed to be a brother, with a head stone. The inscription thereon reads as follows:

"Here lies buried
the Body of Mr.
John Giffin
Who Departed this
Life July ye 6th
1761
Aged 49 years."

I found considerable difficulty in searching the early records on account of their being defective.

In the case of the grant from the Crown of the five hundred acres, also the allotment of the lot in the city, the name of Simon Giffin did not appear in the indexes to the records.

I found the first while examining the books under other names; and the second I found by the aid of the surveyor whom I engaged to assist me.

I examined carefully every thing in the shape of books, or papers, I could find that I thought would possibly throw any light on the subject of my investigations or history of the family. Sometimes I was rewarded, and oftener found nothing.

In the library of the Historical Society, of Halifax, its Secretary, Mr. Bullmer, showed me a little, old diary kept by Rev. John Seecombe, an orthodox Congregationalist preacher at Chester, who sometimes also preached in Halifax.

In this diary, under date of Dec. 4, 1750, he mentions "visiting a Mr. Marshall with Mr. Giffin." Under date of Dec.

10, 1750, he records, "Visited Mr. Josiah Marshall and Mr. Simon Giflin in ye evening, and supped with Mr. Giflin upon fresh mutton and cariots, cheess, and a very good hasty pudding made of New England meal, a great rarity in these parts."

I assumed control of the unoccupied portions of the 500 acres to the following extent:

I made arrangements to have printed, and set up, a sign, forbidding all persons cutting timber on the land.

I also made arrangements, so far as I could, to obtain consent from the local officers, to have a sign board erected at the entrance to the highway passing through the grant, with the following thereon, viz.: "Giflin Street." This consent cannot be obtained till Jany. next, when the board of officers meet.

In the office of the Court of Probate I found the original will of Simon Giflin, which is dated June 21st, 1768.

The records of the office show this will was presented for probate Sept. 14, 1774, and duly proven, and, "Probate granted with a copy of the will annexed, the 15th Sept. to Jennet Giflin, widow and relict of the said deceased, sole executrix named in said will, she having first sworn to the faithful discharge of that trust".

By the terms of this will his wife, "Jennet Giflin," has the sole management of the whole of his estate, real and personal, the interest of which is made over to her as long as she lives, also as much of the principal of the whole as she thinks proper, or may want during her natural life. The remainder to be equally divided between his children, namely, George Giflin, Simon Giflin, Elizabeth Giflin and John Giflin.

I also found that Letters of Administration were granted July 23, 1779, "of the goods, chattels, and credits of George Giflin, late of Halifax, Mariner, dece'd, to Puny Giflin, widow, and relict of the dece'd."

The traditions of the family are, that George Giflin, son of Simon, was a mariner, and was lost at sea. The above record would seem to corroborate this. I have written the widow's name "Puny," the record is not distinct enough to show whether this is the correct name or not.

I obtained certified copies of all official records I could find pertaining to Simon Giflin. These are as follows:

- 1st.* Allotment of lot 21 in block 4.
 - 2d.* Deed of 3,000 acres from Wm. Welsh to Simon Giflin.
 - 3d.* Declaration of Trust from Simon Giflin to wife.
 - 4th.* Deed from Jemmet Giflin to Wm. Welsh.
 - 5th.* Grant from the Crown of 500 acres to Simon Giflin.
 - 6th.* Grant from the Crown of the same 500 acres to Garret Miller.
 - 7th.* Copy of will.
 - 8th.* The depositions of the subscribing witnesses to the will.
 - 9th.* Minutes of the Probate Court granting letters to the widow.
 - 10th.* A copy of the deed from Simon Giflin to John Carroll.
- This last and the first are not certified.

The question now arises, what action do the heirs desire to take with reference to so much of the estate as can now be procured?

If those interested will communicate their wishes as to this to me, I will try and make the same known.

I could find no record of any personal property whatever, and no person of sufficient age to remember him, he having died 107 years ago. During the progress of the work I have obtained a great deal of information relative to the different branches of the family, which I hope to put in shape for future reference.

I have also a genealogy of the family, showing the descendants of Simon Giflin, of Halifax, number over eleven hundred persons. I was accompanied the first three days of my work at Halifax by C. H. Giflin of Brookfield, Mass.

I should be pleased to have members of the family notify me in the future, when additions are made to these, giving the names, date of birth, and names of parents. Also the date of death, and avocation of those who arrive at maturity and become heads of families.

Very Respectfully Submitted,

DAN S. GIFFIN,

Hечvelton, St. Law. Co., N. Y.

